

Notice of Allowability

Application No.

09/701,572

Applicant(s)

KONDOROSI ET AL.

Examiner

Cynthia Collins

Art Unit

1638

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the response filed October 20, 2005.
2. ☒ The allowed claim(s) is/are 12-15, 20-28, 30, 32-42, 45-47 (renumbered 1-29).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

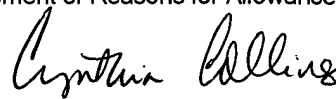
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 0106.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Cynthia Collins
Primary Examiner
Art Unit: 1638
1/5/06

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Thomas Cunningham on January 5, 2005.

The application has been amended as follows:

Claims 43, 44 and 48 have been cancelled.

Claim 12 (Currently Amended): An isolated or purified nucleic acid comprising:

(a) a polynucleotide sequence encoding the polypeptide of SEQ ID NO: 2, or

(b) a polynucleotide sequence encoding a polypeptide fragment of SEQ ID NO: 2 which that inhibits mitosis and induces endoreplication, wherein said polynucleotide hybridizes under stringent conditions to the full-length complement of the coding portion of SEQ ID NO: 1, wherein said stringent conditions comprise at 65° C: hybridization in CG buffer, washing in 2X SSC, 0.1% SDS for twice 15 minutes, then washing in 0.5X SSC, 0.1% SDS for twice 30 minutes.

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Claim 15 (Currently Amended): The nucleic acid of Claim 12, which comprises a polynucleotide sequence encoding a polypeptide ~~which encodes a fragment of SEQ ID NO: 2~~ that inhibits mitosis and induces endoreplication, wherein said polynucleotide hybridizes under stringent conditions to the full-length complement of the coding portion of SEQ ID NO: 1, wherein said stringent conditions comprise at 65° C: hybridization in CG buffer, washing in 2X SSC, 0.1% SDS for twice 15 minutes, then washing in 0.5X SSC, 0.1% SDS for twice 30 minutes.

Claim 30 (Currently Amended): An isolated or purified nucleic acid comprising:

(a) a polynucleotide sequence which comprises the full complement of the polynucleotide sequence of SEQ ID NO: 1 ~~or a fragment thereof which inhibits the expression of its complement, or~~

(b) a polynucleotide sequence which comprises the full complement of the 1.2 kb SstI-PvuII fragment of SEQ ID NO: 1.

In claims 37, 38 and 39, the phrase “nucleic acid” has been replaced with the term “vector”.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cynthia Collins whose telephone number is (571) 272-0794. The examiner can normally be reached on Monday-Friday 8:45 AM -5:15 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anne Marie Grunberg can be reached on (571) 272-0975. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cynthia Collins
Primary Examiner
Art Unit 1638

CC

Cynthia Collins
1/5/06